

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL ACTION NO. 1:23-CV-00299-KDB**

**MICHAEL TOCHTERMAN,**

**Plaintiff,**

**v.**

**MARTIN O'MALLEY, Commissioner of  
Social Security,**

**Defendant.**

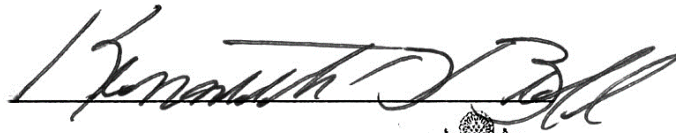
**ORDER**

**THIS MATTER IS BEFORE THE COURT** on Plaintiff's Motion for Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) (Doc. No. 10). For good cause shown, and without opposition from the Government, the Court will grant the relief requested.

**IT IS HEREBY ORDERED** that the Plaintiff's Motion is **GRANTED** and the Court awards fees in the amount of \$5,900.00. *See* 28 U.S.C. § 2412(d). Under *Comm'r of Soc. Sec. v. Ratliff*, 560 U.S. 586, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

**SO ORDERED.**

Signed: February 12, 2024

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell  
United States District Judge

